

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1514

Page 1, line 1, after the second "chapter" insert "43-12.1, two new sections to chapter"

Page 1, line 3, after "drugs" insert "for the treatment of COVID-19"

Page 1, line 4, after "prescriptions" insert "for the treatment of COVID-19"

Page 1, line 4, after the second "of" insert "nursing, board of pharmacy, and board of"

Page 1, line 9, after "**drugs**" insert "**for the treatment or prevention of COVID-19**"

Page 1, line 10, replace "is prescribed" with "has a valid prescription for"

Page 1, line 11, after "use" insert "for the treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2"

Page 1, after line 13, insert:

"**SECTION 2.** A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

**COVID-19 - Limitations on disciplinary actions.**

The board may not take disciplinary action against a nurse based on the nurse distributing documented medical information, providing information regarding the nurse's professional experience or observations, or speaking against a public official. The board may not bring a disciplinary action against an advanced practice registered nurse based on the prescription of a United States food and drug administration-approved drug for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2.

Page 1, line 16, after "use" insert "**for treatment or prevention of COVID-19**"

Page 1, line 17, after the second "a" insert "valid prescription for a"

Page 1, line 18, remove "prescription"

Page 1, line 18, replace "a disease or medical condition" with "severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2"

Page 1, line 19, remove "not"

Page 1, line 20, remove ". This section does not prevent the"

Page 1, line 21, replace "pharmacist from contacting the" with ", following a conversation with the"

Page 1, after line 21, insert:

"**SECTION 4.** A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

HOUSE BILL NO. 1514

Introduced by

Representatives Tveit, Fisher, Kasper, K. Koppelman, Paulson

Senators Clemens, O. Larsen, Luick

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to create and enact a new section to chapter 23-16, a new section to chapter  
2 43-12.1, two new sections to chapter 43-15, and a new section to chapter 43-17 of the North  
3 Dakota Century Code, relating to a hospital patient's right to try off-label use drugs for the  
4 treatment of COVID-19, a hospital ban on discrimination based on vaccine status, pharmacist  
5 fulfillment of off-label drug use prescriptions for the treatment of COVID-19, and the board of  
6 nursing, board of pharmacy, and board of medicine's authority to bring disciplinary actions; and  
7 to provide an effective date.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1.** A new section to chapter 23-16 of the North Dakota Century Code is created  
10 and enacted as follows:

11 **Right to try off-label use drugs for the treatment or prevention of COVID-19 - Ban on**  
12 **discrimination based on vaccine status.**

- 13 1. If a patient is prescribed has a valid prescription for a United States food and drug  
14 administration-approved drug for off-label use for the treatment or prevention of severe  
15 acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation  
16 or viral fragments of SARS-CoV-2, a hospital shall honor that prescription.  
17 2. In providing health care, a hospital may not discriminate against a patient based on  
18 that patient's vaccine status.

19 **SECTION 2.** A new section to chapter 43-12.1 of the North Dakota Century Code is created  
20 and enacted as follows:

21 **COVID-19 - Limitations on disciplinary actions.**

22 The board may not take disciplinary action against a nurse based on the nurse distributing  
23 documented medical information, providing information regarding the nurse's professional  
24 experience or observations, or speaking against a public official. The board may not bring a



disciplinary action against an advanced practice registered nurse based on the prescription of a United States food and drug administration-approved drug for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2.

**SECTION 3.** A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

**Off-label use for treatment or prevention of COVID-19.**

If a pharmacist receives a valid prescription for a United States food and drug administration-approved drug prescription for the off-label treatment or prevention of a disease or medical condition severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2, the pharmacist may not refuse to dispense the drug based on the pharmacist's professional judgment regarding the appropriateness of the prescription. This section does not prevent the pharmacist from contacting the following a conversation with the prescriber regarding the prescription.

**SECTION 4.** A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

**COVID-19 - Limitations on disciplinary actions.**

The board may not take disciplinary action against a pharmacist based on the pharmacist distributing documented pharmaceutical information, providing information regarding the pharmacist's professional experience or observations, or speaking against a public official. The board may not bring a disciplinary action against a pharmacist based on the dispensing of a validly prescribed United States food and drug administration-approved drug for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2.

**SECTION 5.** A new section to chapter 43-17 of the North Dakota Century Code is created and enacted as follows:

**COVID-19 - Limitations on disciplinary actions.**

The board may not take disciplinary action against a licensee based on the licensee distributing documented medical information, providing information regarding the licensee's professional experience or observations, or speaking against a public official. The board may not bring a disciplinary action against a licensee based on the prescription of a United States

1 food and drug administration-approved drug for the off-label treatment or prevention of severe  
2 acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral  
3 fragments of SARS-CoV-2.

4 **SECTION 6. EFFECTIVE DATE.** This Act becomes effective upon its filing with the  
5 secretary of state.